

2013 DRAFTING REQUEST

Bill

Received: **10/15/2012** Received By: **mglass**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Lawrence**
May Contact: Drafter: **mglass**
Subject: **Veterans - veterans benefits** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Lawrence, BB0389 -

Topic:

Requests of discharge records by siblings

Instructions:

Permit a sibling to request discharge records for the purpose of assisting family to pursue VA benefits or honors for the veteran or his or her family. Amend s. 45.04., include sibling to be duly authorized representative
Plus see attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 11/1/2012			_____			
/P1	mglass 1/16/2013	csicilia 11/7/2012	jfrantze 11/7/2012	_____	srose 11/7/2012		
/1		csicilia	jfrantze	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/16/2013	1/16/2013	_____	1/16/2013		

FE Sent For:

<END>

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/P1	mglass 1/16/2013	csicilia 11/7/2012	jfrantze 11/7/2012	_____	srose 11/7/2012		

/1

1 - js 1/16/13 [Signature] 1/16

Vers. Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **10/15/2012** Received By: **mglass**
Wanted: **As time permits** Companion to LRB:
For: **Veterans Affairs 266-1843** By/Representing: **Jim Parker**
May Contact: Drafter: **mglass**
Subject: **Veterans - veterans benefits** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **James.Parker@dva.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Requests of discharge records by siblings

Instructions:

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/?	mglass 11/1/2012			_____			
/P1		csicilia 11/7/2012	11/7/2012	_____	srose 11/7/2012		

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<END>

2013 DRAFTING REQUEST

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Wanted: **As time permits** Same as LRB:
For: **Veterans Affairs 266-1843** By/Representing: **Jim Parker**
May Contact: Drafter: **mglass**
Subject: **Veterans - veterans benefits** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **James.Parker@dva.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

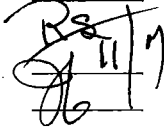
Topic:

Requests of discharge records by siblings

Instructions:

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/?	mglass 11/1/2012						
/P1		/P1 csicilia 11/7/12	/P1 cjs 11/7/12				

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



RMK

LRB-03997/P1

MGG:j....

cjs

agency budget
draft

D-N

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

VETERANS

Do NOT GEN

is no written
authorizations,
guardians or
legal representative

- 1 AN ACT ...; relating to: disclosure of documents that evidence service in the
2 United States armed forces.

Analysis by the Legislative Reference Bureau

Under current law, documents that are evidence of service in the United States armed forces and that are in the possession of DVA may be disclosed only to veterans or their duly authorized representatives. Under current law, a "duly authorized representative" is a person who has written authorization from a veteran to act on his or her behalf, a guardian if the veteran has been adjudicated incompetent, or a legal representative if the veteran is deceased (appointed representative). A spouse or adult child of a veteran or a parent of an unmarried veteran may be also be considered a duly authorized representative of the veteran if there is no appointed representative. This bill expands this list of relatives to include a sibling of a veteran.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 45.04 (1) (a) of the statutes is amended to read:

- 4 45.04 (1) (a) "Duly authorized representative" means any person authorized
5 in writing by the veteran to act for the veteran, the veteran's guardian if the veteran

guardian or legal representative
1 is adjudicated incompetent, or a legal representative if the veteran is deceased.

2 ~~Where for proper reason, no representative has been or will be~~ ^{is} appointed, the

3 veteran's spouse, an adult child, or, if the veteran is unmarried, either a parent or

4 sibling of the veteran shall be recognized as the duly authorized representative. ✓

5 History: 2005 a. 22.

(END)

← INSERT
2-4

d-note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0399/Plins
MGG:.....

Ins 2-4

Insert 2-4

45.04 (1) (a) "Duly authorized representative" means any person authorized in writing by the veteran to act for the veteran, the veteran's guardian if the veteran is adjudicated incompetent, or a legal representative if the veteran is deceased. ~~Where for proper reason no representative~~ If no person is so authorized and no guardian or legal representative has been or will be appointed, the veteran's spouse, an adult child of the veteran, or, if the veteran is unmarried, ~~either a parent or adult sibling~~ of the veteran shall be recognized as the duly authorized representative. ✓

History: 2005 a. 22.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PR
LRB-0399/71n
MGG:.....

gs

- Date -

duly authorized

As drafted, a sibling can be a representative only if the veteran is not married. OK?

The definition of "duly authorized representative" is incorporated by cross-reference in s. 16.283 (1) (c). If you do not want to change the definition in s. 16.283 (1) (c), the draft will need to be redrafted.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Under current law, this definition is confusing due to the use of ^{use} inconsistent and ^{vague} language. Please review ~~the~~ changes ~~carefully to make sure~~ in the definition ^{carefully} to make sure the definition remains consistent with your intent.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0399/P1dn

MGG:cjs:jf

November 7, 2012

Under current law, this definition is confusing due to the use of inconsistent and vague language. Please review the changes in the definition carefully to make sure the definition remains consistent with your intent.

As drafted, a sibling can be a duly authorized representative only if the veteran is not married. OK?

The definition of "duly authorized representative" is incorporated by cross-reference in s. 16.283 (1) (c). If you do not want to change the definition in s. 16.283 (1) (c), the draft will need to be redrafted.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

3

Gallagher, Michael

From: Hanaman, Cathlene
Sent: Tuesday, January 15, 2013 11:25 AM
To: Gallagher, Michael; Gibson-Glass, Mary
Subject: FW: Statutory Language Drafting Request - BB0389

From: jeffrey.lawrence@wisconsin.gov [<mailto:jeffrey.lawrence@wisconsin.gov>]
Sent: Tuesday, January 15, 2013 10:51 AM
To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0389

MLB

Biennial Budget: 2013-15

DOA Tracking Code: BB0389

Topic: Duly Authorized Representative

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

Intent:

Include this for consideration in budget bill.

Amend 45.04(a) to include "brother or sister." Add "brother or sister" to the list of family permitted to act as a "duly authorized representative" for the purpose of this section
Permits a deceased veteran's brother or sister to request discharge records for the purpose of assisting the next of kin pursue benefits/honors for the veteran (or family). The purpose is to mirror the federal law in this area by expanding who may request discharge information on a deceased veteran. Federal law permits next of kin to request military personnel records of a deceased veteran.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



RMR

LRB-0399/PT 1

MGG:cjs:jf

DOA
budget

shays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

do NOT gen

1 AN ACT ...; relating to: disclosure of documents that evidence service in the
2 United States armed forces) b. the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Under current law, documents that are evidence of service in the United States armed forces and that are in the possession of DVA may be disclosed only to veterans or their duly authorized representatives. Under current law, a "duly authorized representative" is a person who has written authorization from a veteran to act on his or her behalf, a guardian if the veteran has been adjudicated incompetent, or a legal representative if the veteran is deceased. A spouse or adult child of a veteran or a parent of an unmarried veteran may be also be considered a duly authorized representative of the veteran if there is no written authorization, guardian, or legal representative. This bill expands this list of relatives to include an adult sibling of a veteran.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 45.04 (1) (a) of the statutes is amended to read:
4 45.04 (1) (a) "Duly authorized representative" means any person authorized
5 in writing by the veteran to act for the veteran, the veteran's guardian if the veteran

1 is adjudicated incompetent, or a legal representative if the veteran is deceased.
2 ~~Where for proper reason no representative~~ If no person is so authorized and no
3 guardian or legal representative has been or will be appointed, the veteran's spouse,
4 an adult child of the veteran, or, if the veteran is unmarried, ~~either a parent or adult~~
5 sibling of the veteran shall be recognized as the duly authorized representative.

6 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0399/1
MGG:cjs:jf

DOA:.....Lawrence, BB0389 – Requests of discharge records by siblings

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Under current law, documents that are evidence of service in the United States armed forces and that are in the possession of DVA may be disclosed only to veterans or their duly authorized representatives. Under current law, a “duly authorized representative” is a person who has written authorization from a veteran to act on his or her behalf, a guardian if the veteran has been adjudicated incompetent, or a legal representative if the veteran is deceased. A spouse or adult child of a veteran or a parent of an unmarried veteran may be also be considered a duly authorized representative of the veteran if there is no written authorization, guardian, or legal representative. This bill expands this list of relatives to include an adult sibling of a veteran.

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3 guardian or legal representative has been or will be appointed, the veteran's spouse,
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5 sibling of the veteran shall be recognized as the duly authorized representative.

6 (END)